

TAB

31 January 1956

W.D. 8002

COMMENTS ON PENDING LEGISLATION

Office of General Counsel

If this legislation were applicable by its terms to CIA, it would be objectionable on grounds of the provisions of Section 2 (modifying Section 6(a)(2)) which gives non-veterans the same right of direct appeal to the Civil Service Commission that veterans currently enjoy. Sections 3(a)(3) and (4) would also be objectionable since they provide for the participation of representatives of organizations of Government employees in grievance procedures and, since it is preferred that representatives represent a body of members, the possibility would be presented that information we regard as classified would be made available to individuals lacking in the necessary security clearances.

With the exception of the two points mentioned, we are doing essentially what this legislation provides under the provisions of R 20-8 and the Employment Review Board.

This legislation, by its terms, applies to the "classified Civil Service" and therefore does not apply to this Agency. However, as a matter of policy, we have always accorded as closely as possible with Civil Service Commission procedures. Should this legislation pass, however, it would be well for the Director to specifically consider whether we wish to adopt as a matter of policy the provisions of those specific paragraphs noted above.

The initial language in Section 2 might be construed to broaden the coverage of the bill so that persons within the purview of Section 14 of the Veterans' Preference Act would fall under the bill whether or not they were in the classified Civil Service. This is not the apparent intent of the bill, but since the language is ambiguous, it might be suggested that for the present language should be substituted: "No person in the classified Civil Service of the United States (whether or not such person is within the purview of Section 14 of the Veterans' Preference Act of 1944, as amended), . . ."

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